

UTILITY PATENT APPLICATION TRANSMITTAL <small>(Only for new nonprovisional applications under 37 CFR 1.33(b))</small>		Attorney Docket No. 001301-00349
		First Inventor or Application Identifier BARRETT, Burke et al.
		Title Treatment of Obesity by Bilateral Nerve Stimulation

1739 US
10/04/2003
07/01/03

APPLICATION ELEMENTS <small>See MPEP chapter 600 concerning utility patent application contents</small>		ADDRESS TO: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
<p>1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g. PTO/SB/17) (Submit an original and a duplicate for fee processing)</p> <p>2. <input checked="" type="checkbox"/> Applicant claims small entity status. <small>See 37 CFR 1.27</small></p> <p>3. <input checked="" type="checkbox"/> Specification Total Pages 23</p> <p>4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) Total Sheets 1</p> <p>5. <input checked="" type="checkbox"/> Oath or Declaration Total Pages 2 a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 C.F.R. §1.63(d)) <small>(for continuation / divisional w/ box 18 completed)</small> i. <input type="checkbox"/> DELETION OF INVENTOR(S) <small>Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §1.63(d)(2) and 1.33(b).</small></p> <p>6. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)</p> <p>7. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76</p> <p>8. <input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission <small>(if applicable, all necessary)</small> a. <input type="checkbox"/> Computer Readable Form (CRF) b. <input type="checkbox"/> Specification or Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies</p>				
<p>9. <input type="checkbox"/> Accompanying Application Parts Assignment Papers (cover sheet & document(s))</p> <p>10. <input type="checkbox"/> 37 C.F.R. §3.73(b) Statement <input type="checkbox"/> Power of Attorney <small>(when there is an assignee)</small></p> <p>11. <input type="checkbox"/> English Translation Document <i>(if applicable)</i></p> <p>12. <input type="checkbox"/> Information Disclosure <input type="checkbox"/> Copies of IDS Statement (IDS)/PTO-1449 Citations</p> <p>13. <input checked="" type="checkbox"/> Preliminary Amendment</p> <p>14. <input checked="" type="checkbox"/> White Advance Serial No. Postcard</p> <p>15. <input type="checkbox"/> Certified Copy of Priority Document(s) <small>(if foreign priority is claimed)</small></p> <p>16. <input type="checkbox"/> Request and Certification under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.</p> <p>17. <input checked="" type="checkbox"/> Other: Express Mail Certificate</p>				
<p>18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below:</p> <p><input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application no.:09/346,396</p> <p>Prior application information: Examiner K. Schatzle Group Art Unit 3762</p> <p>For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b is considered a part of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.</p> <p>19. Amend the specification by inserting before the first line the sentence:</p> <p><input checked="" type="checkbox"/> This application is a <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Division <input type="checkbox"/> Continuation-in-part (CIP) of application Serial No. 09/346,396 Filed on 07/01/1999</p> <p><input type="checkbox"/> This application claims priority of provisional application Serial No. Filed</p>				
<p>20. CORRESPONDENCE ADDRESS</p> <table border="1"> <tr> <td>BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037 TEL (202) 944-3000 FAX (202) 572-8398</td> <td> 27557 PATENT TRADEMARK OFFICE</td> </tr> </table>			BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037 TEL (202) 944-3000 FAX (202) 572-8398	 27557 PATENT TRADEMARK OFFICE
BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037 TEL (202) 944-3000 FAX (202) 572-8398	 27557 PATENT TRADEMARK OFFICE			

Name: Donald R. Greene	Registration No.: 22470
Signature: 	Date: 07/01/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BURKE BARRETT, ET AL. : Group Art Unit 3762
Serial No.: (to be designated) : Examiner: K Schaetzle
Filed: Herewith :

Title: TREATMENT OF OBESITY BY BILATERAL VAGUS NERVE STIMULATION

UTILITY PATENT APPLICATION TRANSMITTAL

1. This application is for a utility patent, consisting of a 23 page specification and 1 sheet (1 Figure) of formal drawing. Substitute Form PTO/SB/05 is also enclosed herewith. This application is a continuation of Ser. No. 09/346,396, filed 07/01/1999, for which applicant claims priority. A copy of the Declaration from the parent application is enclosed herewith.

2. A Preliminary Amendment is enclosed to be entered before the fee is calculated. Small entity status was claimed in the parent application and is still proper and desired. The filing fee calculation is based on small entity status.

CLAIMS AS FILED

	Number filed	Number extra	Rate (Small Entity)	Basic Fee
Total Claims	37	- 20 = 17	x \$9.00	= 153.00
Independent Claims	4	- 3 = 1	x \$42.00	= 42.00
		Filing Fee		\$570.00

4. The Commissioner is authorized to charge the filing fee for this application, and any other official fees that may be required in connection with this filing, to Account No. 23-2185. A duplicate copy of this page is enclosed herewith.


Donald R. Greene, Reg. No. 22470
Blank Rome LLP
600 New Hampshire Ave., N.W.
Washington, D.C. 20037
Phone: 202-944-3000

Dated: 07/01/2003

CYBAPX03M FEE 34807013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

BURKE BARRETT, ET AL. : Group Art Unit 3762
Serial No.: (to be designated) : Examiner: K Schaetzle
Filed: Herewith :

Title: TREATMENT OF OBESITY BY BILATERAL VAGUS NERVE STIMULATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

EXPRESS MAIL CERTIFICATE

Express Mail Label No. ER 072 706 288 US

Date of Deposit: **July 1, 2003**

I hereby certify that the following attached papers:

- (1) Application Transmittal (fee calculation), in duplicate, plus Substitute Form PTO/SB/05, with claim of priority of parent application;
- (2) Patent Specification consisting of 23 pages; plus 1 sheet of formal drawing (1 Figure), and copy of Declaration from parent application Ser. No. 09/346,396;
- (3) Preliminary Amendment; and
- (4) Postcard (stamped, addressed) for acknowledging receipt.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Donald R. Greene
Blank Rome LLP.
600 New Hampshire Ave., N.W.
Washington, D.C. 20037
Phone: 202 944-3000
Fax: 202 572-8398